Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 486333 Bk 729 Pg 32 - 104
Date: 27-MAY-2008 9:39AM
Fee: None
Filed By: PL
MERLENE MOSHER DALTON, Recorder
GRAND COUNTY CORPORATION
For: STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Grand County as it pertains to the highway located in Grand County known as FISHER TOWERS ROAD; County Road Number: 00103; State Geographic Information Database (SGID) Road Identification Number: RD100020. Total road length is 2.8 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 22-2 day of may, 200 8.

By the Governor's Designee

CERTIFICATION

State of Utah : SS County of Salt Lake

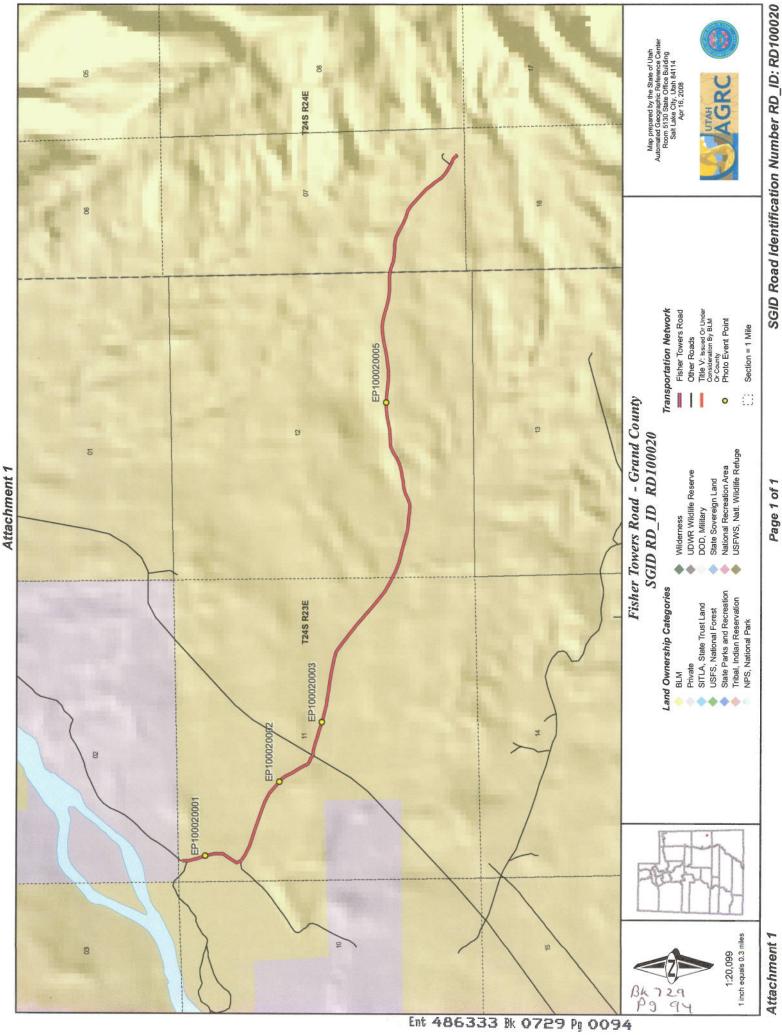
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

NOTARY PUBLIC PAMELA Z. BLACKHAM 5110 State Office Bldg Dated this 22 day of May, 200 8.

Panela 3. Blackhan

Notary Public

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Attachment 2









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Fisher Towers Road - Grand County SGID RD_ID RD100020

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 April 14, 2008





Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: FISHER TOWERS ROAD

County: Grand

County Road Number: 00103

State Geographic Information Database (SGID) Road Identification Number: RD100020.

Total Road Length: 2.8 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 44 minutes 18.68 seconds North Latitude and -109 degrees 21 minutes 06.01 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,253,217.7 feet and Y = 6,716,616.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 43 minutes 29.75 seconds North Latitude and -109 degrees 18 minutes 31.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,265,553.6 feet and Y = 6,711,963.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 24 South Range 23 East, Section(s) 11,12, Salt Lake Base & Meridian Township 24 South Range 24 East, Section(s) 7, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: FISHER TOWERS ROAD

County: Grand

County Road Number: 00103

State Geographic Information Database (SGID) Road Identification Number: RD100020.

Total Road Length: 2.8 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD_ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD100020	001	BLM	2.8 Miles	A
		Total Road Length	2.8	

^{*} Indicates that a Title V permit will be requested, is in process, or has been issued.

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[†] Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

AFFIDAVIT OF RAYMOND M. TIBBETTS

FISHER TOWERS ROAD

COUNTY ROAD NUMBER 00103

GRAND COUNTY, UTAH

State of Utah)
	: ss
County of Grand)

RAYMOND M. TIBBETTS, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Grand County for 68 years. I was a Grand County Commissioner for six years. I was a Grand County Deputy Sheriff from 1954 to 1956.
- 2. I have traveled and am familiar with a road in Grand County known as Fisher Towers Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s, it followed the same route as in 2002 when I last observed it. Attached is a Grand County map showing Fisher Towers Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the mid 1950s and continuing through 1976 to 2002. Throughout this time period I have observed travel on the road by

various means, including Grand County road equipment, cars, ATVs, trucks and jeeps. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2002.

- Throughout the time period from the mid 1950s to 2002, I have used the road myself for hunting, law enforcement, arrow head hunting and recreation.
- 5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations, tourism, movie making, prospecting for minerals, wood gathering and traveling in and through the area.
- 6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 7. Prior to 1976, I observed maintenance equipment performing maintenance and construction activities on the road.

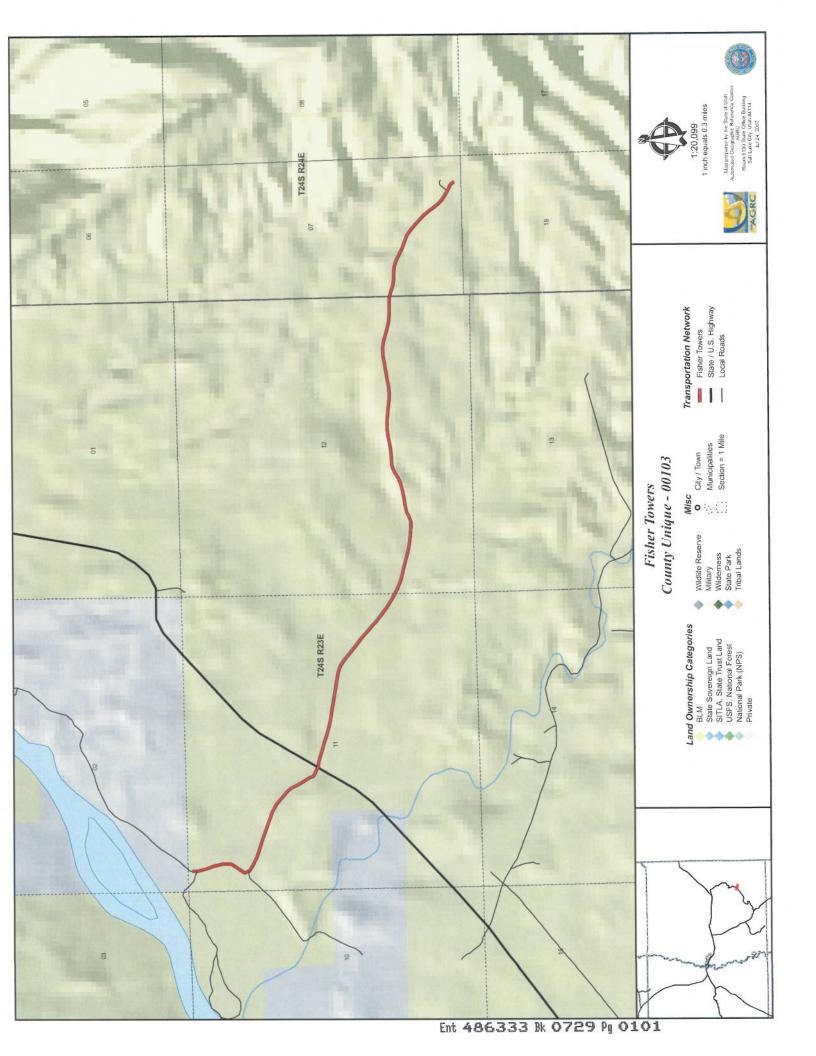
Dated this ____ day of August, 2007.

RAYMOND M. TIBBETTS

SUBSCRIBED AND SWORN to before me this day of August, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



AFFIDAVIT OF JERRY McNEELY FISHER TOWERS ROAD GRAND COUNTY, UTAH

ROAD NUMBER 00103

State of Utah)	
	: ss.	
County of Grand)	

JERRY McNEELY, being first duly sworn, deposes and states as follows:

- 1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Moab, Grand County, Utah. I have lived in Grand County since 1945. My Great-Grandfather settled in the Moab Valley in the late 1800s. I have been a Grand County Council member since 2001.
- 2. I have traveled and am familiar with a road in Grand County known as Fisher Towers Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s it followed the same route as in 2007 when I last observed it. Attached is a Grand County map showing Fisher Towers Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
 - 3. The County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the mid 1950s and continuing through 2007. Throughout this time period I observed travel on the road by means of mountain bikes, pickup trucks and ATVs. During this time period, the road was used daily for more than ten continuous years prior to 1976 and was so used in 2007.
- Throughout the time period from the mid 1950s to 2007, I used the road myself for my employment with a land surveyor, hunting and recreation.

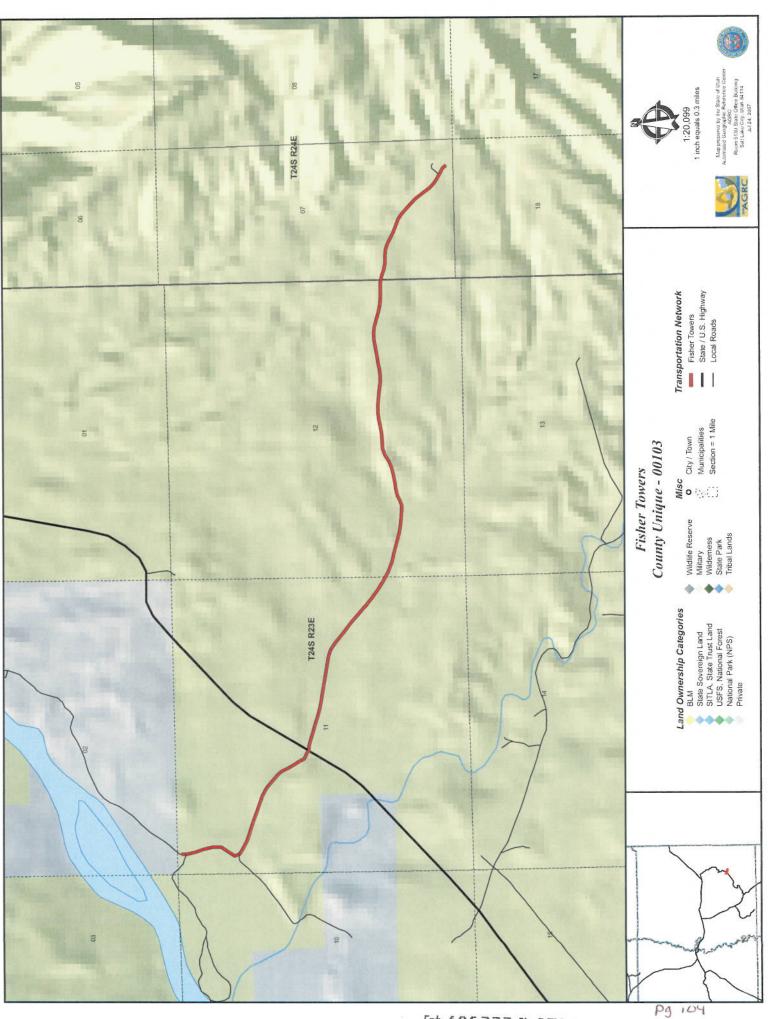
- Throughout the time period described in the previous paragraph, I have observed 6. other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus, livestock operations, prospecting for minerals, oil and gas exploration and sightseeing.
- It is also the reputation in the community that this road has been open to the 7. public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction activities such as berms along the side of the road.

DATED this day of August, 2007.

SUBSCRIBED AND SWORN to before me this day of August, 2007.

LORIA SCHRADE

NOTARY PUBLIC



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Appendix A to Attachment 4

Popular Name: FISHER TOWERS ROAD

County: Grand

County Road Number: 00103

State Geographic Information Database (SGID) Road Identification Number: RD100020.

Road-Segment Number: 001

Road-Segment Length: 2.8 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 24 South Range 23 East, Section(s) 11,12, Salt Lake Base & Meridian Township 24 South Range 24 East, Section(s) 7, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (FISHER TOWERS ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 44 minutes 18.68 seconds North Latitude and -109 degrees 21 minutes 06.01 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,253,217.7 feet and Y = 6.716.616.8 feet: thence the following courses along the said road center line:

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thence South 00 Degrees 49 Minutes 19 Seconds West 90.3 feet thence South 00 Degrees 20 Minutes 40 Seconds East 6.6 feet thence South 15 Degrees 08 Minutes 17 Seconds East 149.3 feet thence South 20 Degrees 49 Minutes 53 Seconds East 159.4 feet thence South 12 Degrees 52 Minutes 24 Seconds East 166.4 feet thence South 00 Degrees 06 Minutes 37 Seconds East 152.6 feet thence South 33 Degrees 42 Minutes 22 Seconds West 160.4 feet thence South 33 Degrees 18 Minutes 59 Seconds West 126.2 feet thence South 25 Degrees 19 Minutes 20 Seconds East 86.9 feet thence South 32 Degrees 57 Minutes 49 Seconds East 1.9 feet
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thence South 56 Degrees 57 Minutes 19 Seconds East 128.2 feet
thence South 64 Degrees 21 Minutes 22 Seconds East 164.8 feet
thence South 72 Degrees 45 Minutes 10 Seconds East 162.9 feet
thence South 71 Degrees 57 Minutes 00 Seconds East 176.8 feet
thence South 71 Degrees 10 Minutes 05 Seconds East 174.8 feet
thence South 70 Degrees 03 Minutes 43 Seconds East 160.9 feet
thence South 71 Degrees 30 Minutes 22 Seconds East 147.4 feet
thence South 63 Degrees 03 Minutes 32 Seconds East 161.1 feet
thence South 49 Degrees 59 Minutes 34 Seconds East 152 feet
thence South 48 Degrees 51 Minutes 12 Seconds East 116.4 feet
thence South 50 Degrees 33 Minutes 34 Seconds East 59 feet
thence South 39 Degrees 00 Minutes 16 Seconds East 84 feet
thence South 26 Degrees 40 Minutes 26 Seconds East 135.5 feet
thence South 30 Degrees 45 Minutes 19 Seconds East 137 feet
thence South 30 Degrees 14 Minutes 06 Seconds East 94.6 feet
thence South 30 Degrees 27 Minutes 30 Seconds East 26.6 feet
thence South 29 Degrees 44 Minutes 19 Seconds East 11.3 feet
thence South 27 Degrees 21 Minutes 58 Seconds East 47.9 feet
thence South 58 Degrees 09 Minutes 16 Seconds East 64.7 feet
thence South 71 Degrees 50 Minutes 26 Seconds East 51.7 feet
thence South 53 Degrees 05 Minutes 54 Seconds East 56.9 feet
thence South 84 Degrees 05 Minutes 30 Seconds East 90.4 feet
thence South 75 Degrees 49 Minutes 28 Seconds East 117.8 feet
thence South 74 Degrees 10 Minutes 09 Seconds East 141.4 feet
thence South 72 Degrees 45 Minutes 34 Seconds East 114 feet
thence South 72 Degrees 51 Minutes 48 Seconds East 136.6 feet
thence South 75 Degrees 24 Minutes 48 Seconds East 152.8 feet
thence South 77 Degrees 11 Minutes 27 Seconds East 151.4 feet
thence South 81 Degrees 19 Minutes 31 Seconds East 157 feet
thence South 81 Degrees 28 Minutes 13 Seconds East 138.3 feet
thence South 81 Degrees 43 Minutes 02 Seconds East 120.3 feet
thence South 80 Degrees 13 Minutes 12 Seconds East 140 feet
thence South 80 Degrees 56 Minutes 46 Seconds East 150.7 feet
thence South 78 Degrees 32 Minutes 44 Seconds East 136.4 feet
thence South 70 Degrees 41 Minutes 48 Seconds East 107.4 feet
thence South 57 Degrees 49 Minutes 30 Seconds East 100.7 feet
thence South 52 Degrees 33 Minutes 29 Seconds East 141.9 feet
thence South 52 Degrees 15 Minutes 03 Seconds East 170.2 feet
thence South 51 Degrees 41 Minutes 06 Seconds East 173.4 feet
thence South 50 Degrees 29 Minutes 13 Seconds East 184.3 feet
thence South 49 Degrees 18 Minutes 24 Seconds East 169.9 feet
thence South 48 Degrees 56 Minutes 42 Seconds East 69.5 feet
thence South 53 Degrees 07 Minutes 27 Seconds East 46.1 feet
thence South 51 Degrees 01 Minutes 33 Seconds East 111.3 feet
thence South 53 Degrees 27 Minutes 36 Seconds East 177.7 feet
thence South 59 Degrees 10 Minutes 34 Seconds East 196.6 feet
thence South 63 Degrees 03 Minutes 36 Seconds East 84.1 feet
thence South 63 Degrees 03 Minutes 23 Seconds East 112.7 feet
thence South 69 Degrees 53 Minutes 35 Seconds East 187.8 feet
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thence South 76 Degrees 07 Minutes 33 Seconds East 187 feet
thence South 75 Degrees 25 Minutes 44 Seconds East 172.1 feet
thence South 75 Degrees 37 Minutes 20 Seconds East 161.4 feet
thence South 79 Degrees 40 Minutes 03 Seconds East 141.7 feet
thence South 86 Degrees 25 Minutes 36 Seconds East 120.1 feet
thence South 85 Degrees 28 Minutes 53 Seconds East 96.8 feet
thence South 86 Degrees 11 Minutes 07 Seconds East 45.2 feet
thence South 82 Degrees 10 Minutes 08 Seconds East 34.6 feet
thence North 89 Degrees 39 Minutes 17 Seconds East 25.6 feet
thence North 83 Degrees 10 Minutes 01 Seconds East 43.6 feet
thence North 69 Degrees 51 Minutes 21 Seconds East 87.2 feet
thence North 63 Degrees 11 Minutes 28 Seconds East 99.4 feet
thence North 76 Degrees 20 Minutes 55 Seconds East 121.2 feet
thence North 82 Degrees 49 Minutes 53 Seconds East 96.7 feet
thence North 79 Degrees 52 Minutes 37 Seconds East 67.6 feet
thence North 79 Degrees 03 Minutes 06 Seconds East 98.1 feet
thence North 74 Degrees 55 Minutes 54 Seconds East 116.2 feet
thence North 69 Degrees 02 Minutes 26 Seconds East 121.2 feet
thence North 56 Degrees 16 Minutes 49 Seconds East 122.3 feet
thence North 66 Degrees 01 Minutes 28 Seconds East 131 feet
thence North 87 Degrees 05 Minutes 05 Seconds East 146.4 feet
thence North 86 Degrees 18 Minutes 12 Seconds East 140.3 feet
thence North 79 Degrees 21 Minutes 00 Seconds East 110.1 feet
thence North 78 Degrees 04 Minutes 49 Seconds East 122.7 feet
thence North 82 Degrees 57 Minutes 55 Seconds East 140.9 feet
thence North 89 Degrees 39 Minutes 17 Seconds East 133.7 feet
thence South 86 Degrees 43 Minutes 25 Seconds East 129.9 feet
thence South 84 Degrees 34 Minutes 17 Seconds East 130.5 feet
thence South 83 Degrees 38 Minutes 40 Seconds East 140.6 feet
thence South 88 Degrees 56 Minutes 38 Seconds East 134.2 feet
thence North 82 Degrees 20 Minutes 26 Seconds East 116 feet
thence North 79 Degrees 24 Minutes 11 Seconds East 119.9 feet
thence North 80 Degrees 17 Minutes 13 Seconds East 121 feet
thence North 79 Degrees 06 Minutes 04 Seconds East 143.3 feet
thence North 80 Degrees 02 Minutes 52 Seconds East 147.5 feet
thence North 86 Degrees 47 Minutes 47 Seconds East 131.6 feet
thence South 83 Degrees 12 Minutes 25 Seconds East 105.6 feet
thence South 75 Degrees 48 Minutes 03 Seconds East 117.6 feet
thence South 73 Degrees 22 Minutes 10 Seconds East 134.9 feet
thence South 76 Degrees 57 Minutes 56 Seconds East 134.7 feet
thence South 84 Degrees 56 Minutes 40 Seconds East 139.5 feet
thence North 88 Degrees 13 Minutes 13 Seconds East 131.1 feet
thence North 89 Degrees 39 Minutes 17 Seconds East 125.7 feet
thence South 78 Degrees 21 Minutes 39 Seconds East 61.8 feet
thence South 78 Degrees 21 Minutes 44 Seconds East 64.6 feet
thence South 71 Degrees 54 Minutes 37 Seconds East 129.7 feet
thence South 80 Degrees 40 Minutes 01 Seconds East 107.4 feet
thence South 88 Degrees 36 Minutes 34 Seconds East 108.3 feet
thence South 87 Degrees 04 Minutes 02 Seconds East 86.1 feet
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thence South 81 Degrees 41 Minutes 36 Seconds East 54.5 feet
thence South 76 Degrees 45 Minutes 57 Seconds East 62.9 feet
thence South 68 Degrees 02 Minutes 29 Seconds East 77.8 feet
thence South 64 Degrees 06 Minutes 09 Seconds East 96.5 feet
thence South 62 Degrees 41 Minutes 38 Seconds East 106.1 feet
thence South 67 Degrees 37 Minutes 19 Seconds East 118.9 feet
thence South 70 Degrees 39 Minutes 37 Seconds East 121.8 feet
thence South 57 Degrees 12 Minutes 09 Seconds East 120 feet
thence South 47 Degrees 12 Minutes 10 Seconds East 129.6 feet
thence South 48 Degrees 34 Minutes 28 Seconds East 118.2 feet
thence South 46 Degrees 00 Minutes 15 Seconds East 115 feet
thence South 40 Degrees 28 Minutes 23 Seconds East 118 feet
thence South 36 Degrees 26 Minutes 49 Seconds East 109.7 feet
thence South 37 Degrees 34 Minutes 48 Seconds East 103 feet
thence South 47 Degrees 07 Minutes 07 Seconds East 98.2 feet
thence South 57 Degrees 57 Minutes 23 Seconds East 85.8 feet
thence South 59 Degrees 08 Minutes 23 Seconds East 76 feet
thence South 62 Degrees 28 Minutes 47 Seconds East 24.6 feet
thence South 61 Degrees 34 Minutes 40 Seconds East 47.7 feet
thence South 67 Degrees 35 Minutes 29 Seconds East 59.4 feet
thence South 49 Degrees 18 Minutes 19 Seconds East 40 feet
thence South 34 Degrees 36 Minutes 01 Seconds East 39.7 feet
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thence North 43 Degrees 41 Minutes 00 Seconds East 34.2 feet more or less to the ending point at: 38 degrees 43 minutes 29.75 seconds North Latitude and -109 degrees 18 minutes 31.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,265,553.6 feet and Y = 6,711,963.9 feet.